

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

|                          |   |                     |
|--------------------------|---|---------------------|
| DERRICK R. SMITH,        | ) |                     |
|                          | ) |                     |
| Plaintiff,               | ) |                     |
|                          | ) |                     |
| v.                       | ) | No. 1:16-CV-112 ACL |
|                          | ) |                     |
| GEORGE LOMBARDI, et al., | ) |                     |
|                          | ) |                     |
| Defendants.              | ) |                     |
|                          | ) |                     |

**MEMORANDUM AND ORDER**

Plaintiff has filed a notice of appeal but has failed to pay the statutory filing fee [Doc. #8]. Consequently, the Court will order plaintiff to pay the full \$505 filing fee. Additionally, the Court notes that plaintiff may not proceed in forma pauperis on appeal, because he has incurred more than three "strikes" pursuant to 28 U.S.C. § 1915(g).<sup>1</sup>

Accordingly.

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis on appeal [Doc. #15] is **DENIED**.

**IT IS FURTHER ORDERED** that within thirty (30) days from the date of this Order, plaintiff shall pay to this Court the full \$505 fee for filing an appeal. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.

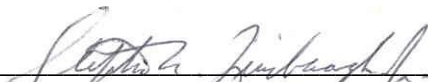
**IT IS FURTHER ORDERED** that plaintiff shall file any future document or pleadings in

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<sup>1</sup> See *Smith v. Crawford*, No. 09-6068-CV-SJ-HFS-P (W.D.Mo. 2009); *Smith v. Phillips*, No. 1:14CV186 ACL (E.D.Mo. 2015); *Smith v. Beggs*, No. 1:16CV89 SNLJ (E.D.Mo. 2016).

connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 19th day of October, 2016.



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**STEPHEN N. LIMBAUGH, JR.**  
**UNITED STATES DISTRICT JUDGE**